

ORDINANCE NO. 100 - 2025

AN ORDINANCE MODIFYING THE CONDITIONAL ZONING RESTRICTION IN A COMMERCIAL CENTER (B-6P) ZONE RELATING TO THE MAXIMUM GROSS BUILDING AREA LIMITATION FOR 56.27 NET (71.45 GROSS) ACRES, FOR PROPERTY LOCATED AT 2300-2350 GREY LAG WAY, 2320 AND 2344 ELKHORN ROAD, AND 2200-2277 WAR ADMIRAL WAY. (WAR ADMIRAL PLACE, LLC; COUNCIL DISTRICT 6).

WHEREAS, at a Public Hearing held on October 23, 2025, a petition for a zoning map amendment modifying the conditional zoning restriction in a Commercial Center (B-6P) zone relating to the maximum gross building area limitation for 56.27 net (71.45 gross) acres, for property located at 2300-2350 Grey Lag Way, 2320 and 2344 Elkhorn Road, and 2200-2277 War Admiral Way, was presented to the Urban County Planning Commission; said Commission recommending conditional approval of this request by a vote of 10-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Zoning Ordinance of the Lexington-Fayette Urban County Government be amended to show a modification of the conditional zoning restriction in a Commercial Center (B-6P) zone relating to the maximum gross building area limitation for 56.27 net (71.45 gross) acres, for property located at 2300-2350 Grey Lag Way, 2320 and 2344 Elkhorn Road, and 2200-2277 War Admiral Way, being more fully described in Exhibit “A” which is attached hereto and incorporated herein by reference.

Section 2 – That, under the provisions of Article 6-7 of the Zoning Ordinance, the following additional conditional zoning restriction shall apply to the subject property:

1. Use of the 1.5 net acre parcel at the southern end of the subject property shall be limited to off-street parking, vehicular circulation, and use of no more than a 1,500 square-foot area for a portion of a vehicle fueling facility and canopy.

This use restriction is appropriate and necessary to ensure greater compliance with the detailed land use recommendations of the Comprehensive Plan.

Section 3 – That the Lexington-Fayette Urban County Planning Commission is directed to show the amendment on the official zone map atlas and to make reference to the number of this Ordinance.

Section 4 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 20, 2025



MAYOR

ATTEST:


CLERK OF URBAN COUNTY COUNCIL
PUBLISHED: November 28, 2025-1t
1074-25:BGS:4931-2797-2469, v. 1

Rec'd by _____

Date: _____

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: PLN-MAR-25-00010: WAR ADMIRAL PLACE, LLC – a petition for a zone map amendment from Commercial Center (B-6P) zone with conditional zoning restrictions to a Commercial Center (B-6P) zone with modified conditional zoning restrictions for 56.27 net (71.45 gross) acres for properties located at 2300-2350 Grey Lag Way; 2320 and 2344 Elkhorn Road; and 2200-2277 War Admiral Way.

Having considered the above matter on **October 23, 2025**, at a Public Hearing, and having voted **10-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The nearby changes in land use intensity, expansion of the Urban Services Boundary, adoption of the Urban Growth Master Plan, and the construction of large regional scale institutions are changes that have occurred that have shifted the intensity of anticipated development along this portion of Winchester Road and make the current condition restricting square footage inappropriate.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is recommended via conditional zoning:
 - a. Use of the 1.5 net acre parcel at the southern end of the subject property shall be limited to off-street parking, vehicular circulation, and use of no more than a 1,500 square-foot area for a portion of a vehicle fueling facility and canopy.

This use restriction is appropriate and necessary for the subject property to ensure greater compliance with the detailed land use recommendations of the Comprehensive Plan, and since they have been volunteered by the applicant.

3. This recommendation is made subject to approval and certification of **PLN-MJDP-25-00039: HAMBURG PLACE B-5P & B-6P HIGHWAY COMMERCIAL AREA (AMD)** prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

ATTEST: This 7th day of November, 2025.



Secretary, Jim Duncan

ZACH DAVIS
CHAIR

K.R.S. 100.211(7) requires that the Council take action on this request by January 21, 2026.

Note: The corollary development plan, **PLN-MJDP-25-00039: HAMBURG PLACE B-5P & B-6P HIGHWAY COMMERCIAL AREA (AMD)** was approved by the Planning Commission on October 23, 2025 and certified on November 6, 2025.

At the Public Hearing before the Urban County Planning Commission, this application was presented by **Nick Nicholson, Attorney.**

OBJECTORS

None

OBJECTIONS

VOTES WERE AS FOLLOWS:

AYES:	(10)	Z. Davis, J. Davis, M. Davis, Barksdale, Wilson, Penn, Michler, Owens, Forester, and Worth
NAYS:	(0)	
ABSENT:	(1)	Nicol
ABSTAINED:	(0)	
DISQUALIFIED:	(0)	

Motion for **APPROVAL** of **PLN-MAR-25-00010** carried.

Enclosures:

- Application
- Justification Letter
- Legal Description
- Map
- Development Snapshot
- Staff Reports
- Applicable excerpts of minutes of above meeting

MAP AMENDMENT REQUEST (MAR) APPLICATION

1. CONTACT INFORMATION (Name, Address, City/State/Zip & Phone No.)

Applicant:

WAR ADMIRAL PLACE LLC, PO BOX 12128, LEXINGTON, KY 40580

Owner(s):

WAR ADMIRAL PLACE LLC PO BOX 12128 LEXINGTON KY 40580

Attorney:

Nick Nicholson, 300 West Vine Street, Suite 2100, Lexington, KY 40513

2. ADDRESS OF APPLICANT'S PROPERTY

2200 WAR ADMIRAL WAY LEXINGTON KY 40509

3. ZONING, USE & ACREAGE OF APPLICANT'S PROPERTY

Zoning	Existing Use	Zoning	Requested Use	Acreage	
				Net	Gross

4. EXISTING CONDITIONS

a. Are there any existing dwelling units on this property that will be removed if this application is approved?	☐ YES ☒ NO
b. Have any such dwelling units been present on the subject property in the past 12 months?	☐ YES ☒ NO
c. Are these units currently occupied by households earning under 40% of the median income? If yes, how many units? If yes, please provide a written statement outlining any efforts to be undertaken to assist those residents in obtaining alternative housing.	

5. URBAN SERVICES STATUS (Indicate whether existing, or how to be provided)

Roads:	LFUCG
Storm Sewers:	LFUCG
Sanity Sewers:	LFUCG
Refuse Collection:	LFUCG
Utilities:	☒ Electric ☒ Gas ☒ Water ☒ Phone ☒ Cable





NICK NICHOLSON
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300 W. VINE STREET
SUITE 2100
LEXINGTON, KY 40507
MAIN: (859) 231-3000
FAX: (859) 253-1093

July 21, 2025

Lexington-Fayette Urban County Planning Commission
Lexington-Fayette Urban County Government
101 East Vine Street
Lexington, KY 40507

Justification Letter for the Conditional Zoning Restriction Modification Request for War Admiral Place.

Dear Members of the Planning Commission:

On behalf of War Admiral Place, LLC, ("Applicant") we have filed a zoning modification request to remove one of the Conditional Zoning Restrictions in the Planned Shopping Center (B-6P) zone implemented by MAR 2004-45, for the properties located at 2317, 2300, 2320, and 2350 Grey Lag Way, 2320 and 2344 Elkhorn Road, 2200, 2201, 2212, 2217, 2235, 2251, and 2277 War Admiral Way, (the "Properties"). The Properties consists of approximately 56.27 net (71.45 gross) acre.

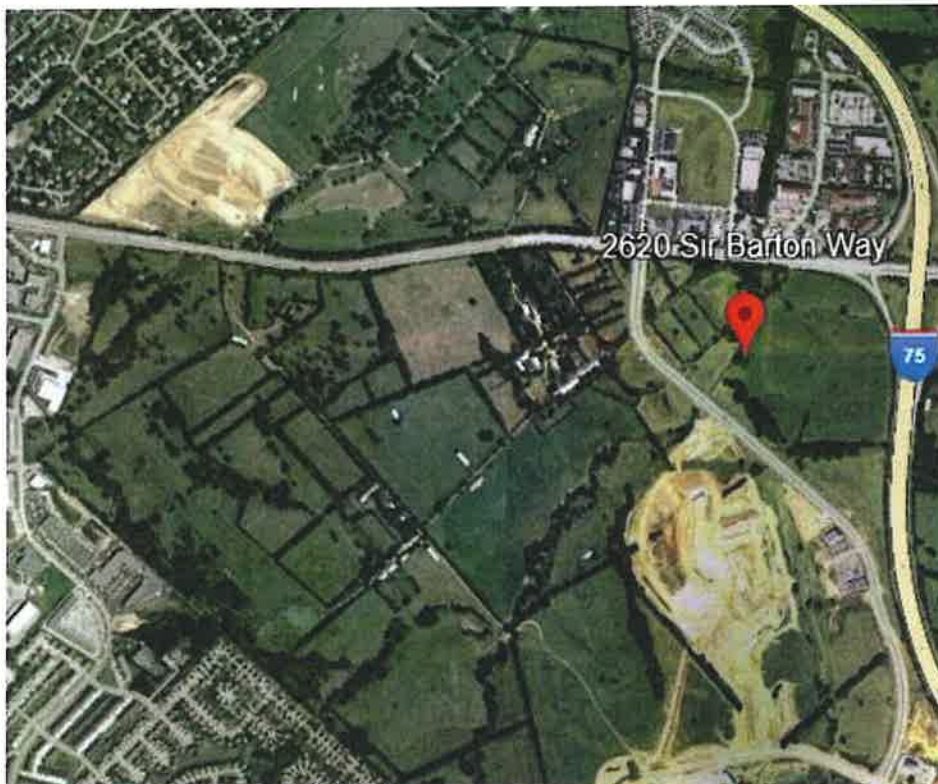
While it is presently zoned Planned Shopping Center (B-6P), there is a Conditional Zoning Restriction on the site that states "The subject property shall be limited to a maximum of 532,000 square feet of gross building area." The Applicant requests the removal of this Conditional Zoning Restriction as it is inappropriate to continue restricting the Property in light of the major economic, physical, and societal changes to commercial centers and in our community's desire to allow more density on our major corridors and to better utilize our developable acreage as further discussed below. Due to this restriction, War Admiral Place is unable to develop an existing vacant out parcel (2317 Grey Lag Way) or redevelopment large parking areas as the Properties have reached the gross building area limit. To demonstrate what could be possible without any type of adverse impact on the surrounding area, Applicant is proposing a 3-story retail/office building at approximately 19,500 SF that is able to meet the minimum Floor Area Ratio despite a floodplain 50' buffer, building lines, and existing easements on 0.85-acre lot. The Applicant is not requesting the removal of the other Conditional Zoning Restriction governing the vehicle fueling facility and canopy with this request.

To provide some context of how restrictive this CZR is on the Properties, the existing rules of the B-6P at the time of the zone change had a maximum lot coverage of 35% allowing for approximately 853,000 SF of gross building area across the Properties. The 532,000 SF cap represented just 62% of the allowable area under the governing rules at that time. This disparity only increases when comparing the developable floor area under today's rules. The new B-6P regulations provide a maximum lot coverage of 30% and a *minimum* Floor Area Ratio of 0.5. The existing CZR now prevents the Properties from building approximately 203,000 SF of additional gross building area – but, more importantly it ensures that there cannot be any type

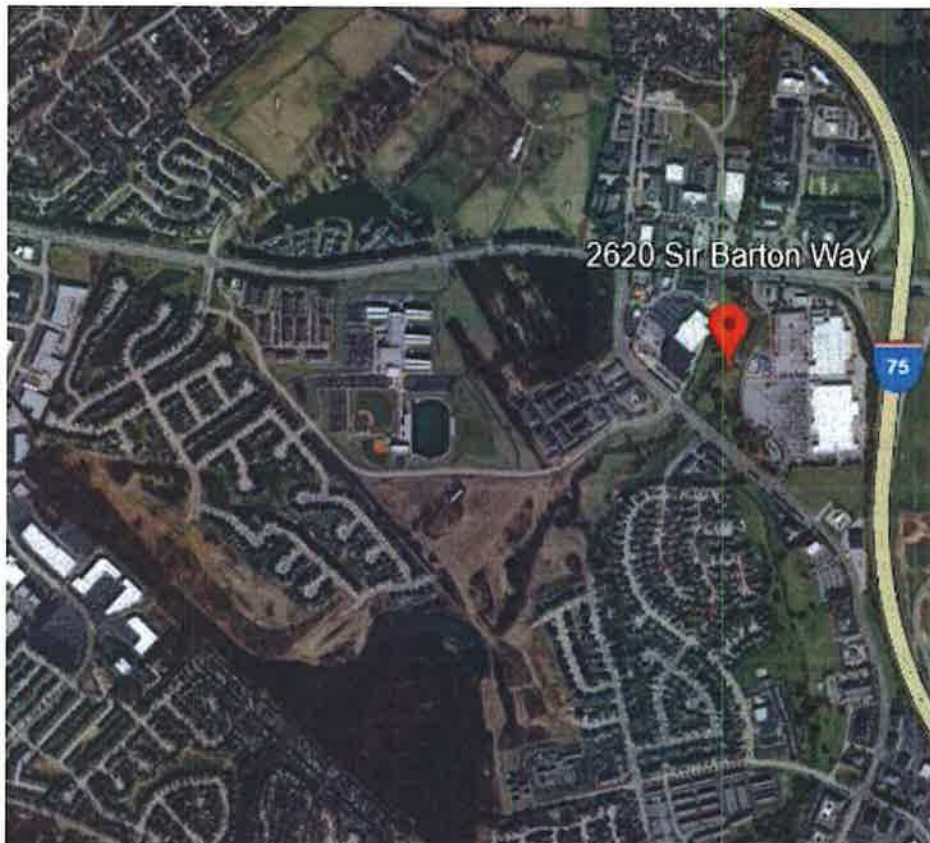
of vertical element added to War Admiral Place without demolishing existing commercial buildings that are 100% occupied today.

The new Intent of the B-6P zone challenges Lexington to incorporate new residential opportunities in B-6P properties and emphasizes the need to protect and enhance the investments of existing B-6P developments by providing redevelopment opportunities that unlock additional potential to better utilize existing zoned land. Simply put, the existing CZR directly contradicts the economic and social shift that Lexington and the B-6P zones have undergone since the time this CZR was implemented. As such, it is appropriate to remove this condition limiting the Property's maximum square footage to bring the Property in line with the updated regulations for the B-6P zone and allow for additional infill of the existing commercial area.

The Applicant is the original developer of the Property and well versed with today's market trends in the residential, retail, and commercial space. It is inarguable that the Properties' commercial zoning, and allowable uses, have undergone significant social and economic changes in the past 20 years. Not surprisingly, the surrounding area has also undergone physical changes in that time period. The below aerial was taken 4 months prior to the approval of zone change that implemented the CZR in question:



Here is the most recent aerial available of the same area in question. Without question, that surrounding area has undergone substantial physical changes from the implementation of the initial square footage restriction.



This was the first B-6P site to be established in Lexington. As such it is understandable that there was a guardrail put in place to see how Lexington would develop what was proposed to be the densest commercial property outside of the Downtown Core. As an aside, this is no longer close to being true today. While that guardrail might have been necessary while Lexington observed how the surrounding area would develop, it is clear now that this restriction is no longer necessary. While general growth in this area might have been likely, the reality is that the cause of concern that resulted in this square footage restriction has been addressed with substantial infrastructure improvements throughout this area and the need for neighborhood supportive uses only grows with each new project that comes online in this sector of Lexington.

Indeed since 2005, Lexington's mindset on density and utilizing commercial acreage – especially in the B-6P zone – has shifted dramatically. Our community has supported implementing parking maximums while encouraging multi-family residential uses in the B-6P. We've also lowered the Lot Coverage maximum, while establishing a minimum on floor area to implement the change in the social desires of our community while addressing the concerns that led to the CZR at issue. With two decades of hindsight since the decision to restrict the Properties, it is clear that War Admiral Place is an asset to Lexington and should be allowed to partake in our community's goals for appropriate increased growth on our major corridors. It is just as clear, that loosening the restriction to allow the Properties to develop a conforming structure with today's rules on an existing out-parcel is in keeping with the social and economic realities of today and the physical reality of the surrounding area.

Lexington-Fayette Urban County Planning Commission
July 21, 2025
Page 4

While we are not justifying the zone change request on compliance with the Comprehensive Plan, the Applicant firmly believes that this proposal is in keeping with the Goals and Objectives of the Comprehensive Plan. As a policy document for the entire community, the Plan doesn't really lay out goals and objectives relating to this specific of a change for an existing commercial property. However, many of the ideals discussing smarter utilization of existing properties and encouraging more density on our corridors are at the heart of this application. As noted in the Plan: *"The overriding emphasis of Imagine Lexington is significantly overhauling the intensity of the major corridors. The future of Lexington's corridors lies in accommodating the shifting retail economic model by incorporating high density residential and offering substantial flexibility to available land uses."* The Applicant is requesting an opportunity to bring development plans that fulfill this exact emphasis.

We will be at the August public hearing in order to make a complete presentation of this application and request your favorable consideration.

Best Regards;

Stoll Keenon Ogden PLLC

A handwritten signature in blue ink, appearing to read 'N. Nicholson', is written over a faint, circular official stamp.

Nick Nicholson

**Hamburg Place Farm
B-6P Zone Restriction Removal
Legal Descriptions**

Tract 1

A certain parcel of land lying in the southwestern quadrant of the centerline intersection of Winchester Road (U.S. 60) and Interstate I-75 within the City of Lexington, County of Fayette, Commonwealth of Kentucky and more particularly described as follows:

Beginning at the centerline intersection of Winchester Road (U.S. 60) and Interstate I-75; thence with the centerline of said I-75 for two (2) calls:

1. S 05°56'52" W a distance of 1021.53';
 2. S 04°39'02" W a distance of 642.34'; thence leaving centerline of said I-75 and with the parcel conveyed to Raw Land, LLC in Deed Book 3720, Page 206 and Lot 13 of the parcel conveyed to War Admiral Place, LLC in Deed Book 2599, Page 620 of the Fayette county Clerk's records for twenty (20) calls:
 3. S 89°58'31" W a distance of 998.81';
 4. N 28°46'32" W a distance of 176.43';
 5. N 18°23'50" W a distance of 111.25';
 6. N 53°27'29" W a distance of 118.06';
 7. N 38°51'23" W a distance of 51.63';
 8. N 24°38'32" W a distance of 51.66';
 9. N 09°17'38" W a distance of 58.02';
 10. N 33°00'26" W a distance of 76.84';
 11. N 10°15'22" E a distance of 157.26';
 12. N 07°39'23" E a distance of 175.71';
 13. N 22°45'25" E a distance of 195.49';
 14. N 05°11'35" E a distance of 98.22';
 15. N 28°23'17" E a distance of 171.38';
 16. N 50°27'35" E a distance of 67.39';
 17. N 11°40'45" W a distance of 34.53';
 18. N 53°58'23" W a distance of 79.05';
 19. N 33°01'18" W a distance of 73.14';
 20. N 12°50'42" W a distance of 72.42';
 21. N 05°03'23" E a distance of 101.55';
 22. N 39°57'07" W a distance of 18.55'; thence leaving the line of War Admiral Place, LLC for one (1) call:
 23. N 05°15'33" E a distance of 111.69' point on the centerline of said Winchester Road (U.S. 60); thence with said centerline for one (1) call:
 24. S 84°44'27" E a distance of 1332.63' to the Point of Beginning,
- having an area of 49.837 acres Gross and 38.804 acres Net.

Tract 2

A certain parcel of land lying in the southeast quadrant of the centerline intersection of Winchester Road (U.S. 60) and Sir Barton Way within the City of Lexington, County of Fayette, Commonwealth of Kentucky and more particularly described as follows:

Beginning at the centerline intersection of Winchester Road (U.S. 60) and Sir Barton Way; thence with the centerline of said Winchester Road (U.S. 60) for one (1) call:

1. S 84°44'27" E a distance of 805.95' to a point; thence leaving said centerline and with Lot 13 of the parcel conveyed to War Admiral Place, LLC in Deed Book 2599, Page 620 of the Fayette county Clerk's records for nine (9) calls:
2. S 05°15'33" W a distance of 109.92';
3. S 61°53'48" E a distance of 57.34';
4. Thence with a curve turning to the right with an arc length of 81.08', with a radius of 275.18', with a chord bearing of S 53°26'46" E, with a chord length of 80.79';
5. Thence with a compound curve turning to the right with an arc length of 365.42', with a radius of 275.00', with a chord bearing of S 06°56'08" E, with a chord length of 339.12';
6. thence with a compound curve turning to the right with an arc length of 58.37', with a radius of 275.05', with a chord bearing of S 37°12'43" W, with a chord length of 58.26';
7. S 43°17'30" W a distance of 150.62'
8. S 50°07'45" W a distance of 71.83';
9. S 21°48'35" W a distance of 553.53' to a point on the northern right of way line of Sir Barton Way; thence leaving the Line of War Admiral Place, LLC for one (1) call:
10. S 41°01'04" W a distance of 51.42' to a point on the centerline of Sir Barton Way; thence with said centerline for three (3) calls:
11. N 48°43'11" W a distance of 487.74';
12. Thence with a curve turning to the right with an arc length of 558.60', with a radius of 600.67', with a chord bearing of N 21°45'49" W, with a chord length of 538.69';
13. N 05°27'16" E a distance of 530.20' to the Point of Beginning, having an area of 21.622 acres Gross and 17.473 acres Net.



WAR ADMIRAL PLACE, LLC (PLN-MAR-25-00010)

2300-2350 GREY LAG WAY
2320, 2344 ELKHORN ROAD
2200-2277 WAR ADMIRAL WAY

Remove Conditional Zoning Restrictions
established in 2005.

Applicant

WAR ADMIRAL PLACE, LLC
2200 War Admiral Way
LEXINGTON, KY 40509
Nick.Nicholson@skofirm.com (Attorney)

Owner

WAR ADMIRAL PLACE, LLC
PO BOX 12128
LEXINGTON, KY 40580

Application Details

Acreage:

56.27 net (71.45 gross) acres

Current Zoning:

Commercial Center (B-6P) zone with
Conditional Zoning Restrictions

Proposed Zoning:

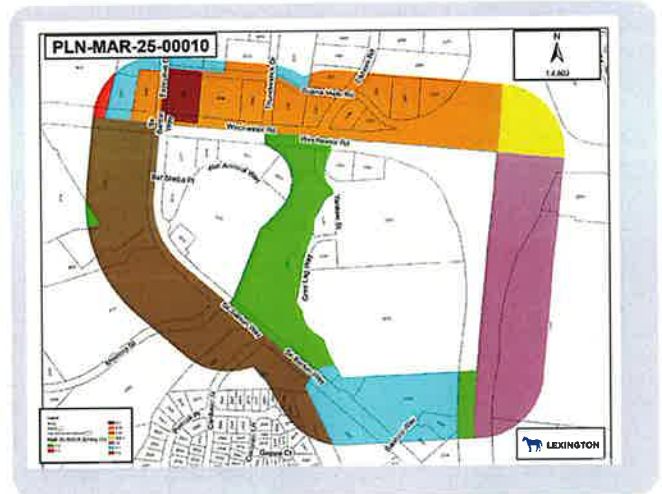
Commercial Center (B-6P) zone with modified
Conditional Zoning Restrictions

Description:

The applicant is seeking to remove conditional zoning restrictions in the existing B-6P zone that limit the property to a maximum of 532,000sqft of gross building area to allow for additional construction on the undeveloped lots.

Public Engagement

- The applicant has not indicated that any public outreach or engagement has occurred at this time.



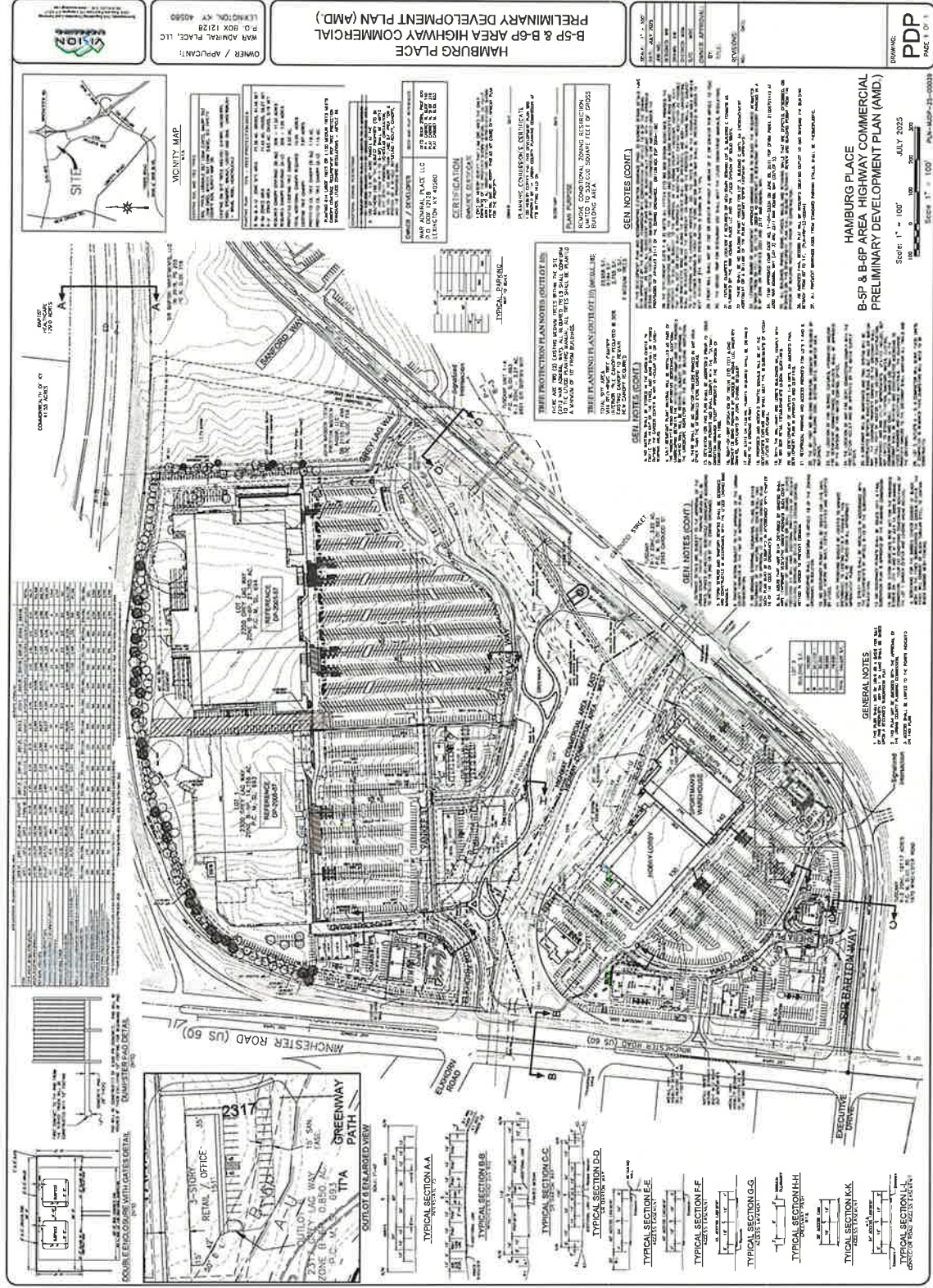
Status

- ☐ Public Engagement
- ☒ Pre-Application Meeting
- ☒ Application Review
- ☒ Planning Staff Review
- ☒ Technical Review Committee
- ☒ Zoning/Subdivision Committee Meetings
- ☒ Planning Commission Hearing
- ☒ Urban County Council Meeting

DISCLAIMER: Plans are subject to change. Visit the Accela Citizen Portal (lexingtonky.gov/plans) or contact Planning for the latest information.

Development Plan

(PLN-MJDP-25-00039)



STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-25-00010: WAR ADMIRAL, LLC

DESCRIPTION OF ZONE CHANGE

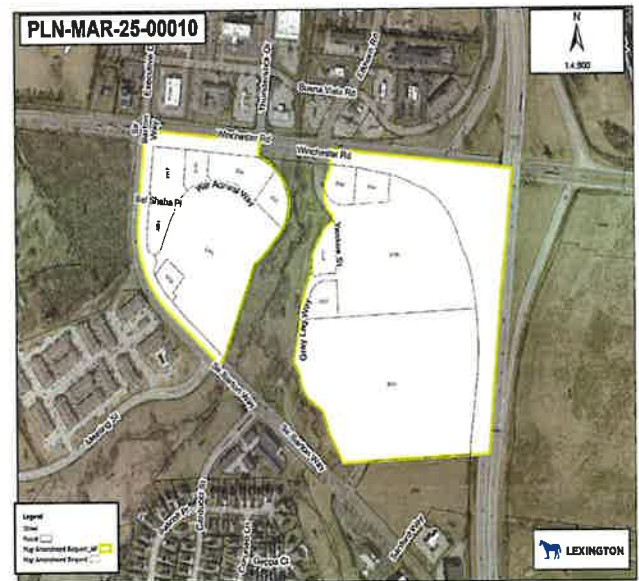
Zone Change: From: Commercial Center (B-6P) zone with conditions
To: Commercial Center (B-6P with modified conditions)

Acreage: 56.27 net (71.45 gross) acres

Location: 2300-2350 Grey Lag Way
2320, 2344 Elkhorn Road
2200-2277 War Admiral Way

EXISTING ZONING & LAND USE

PROPERTIES	ZONING	EXISTING LAND USE
Subject Properties	B-6P	Commercial
To North	B-3/B-5P	Commercial
To East	ED	Vacant
To South	R-3/P-1	Residential/Professional
To West	R-3	Residential



URBAN SERVICE REPORT

Roads - The subject properties are bordered by Winchester Road (US 60), which is a major arterial to the north, Interstate 75 to the east, and Sir Barton Way (a major collector street) to the west. The intersection of Sir Barton Way and Winchester Road is signalized. The I-75 interchange at Winchester Road has, over the last twenty years, received a number of changes including improvements to its exit and entrance ramps. The development is served by a private street network that includes Grey Lag Way, Elkhorn Road, and War Admiral Way that provide connections to Winchester Road and Sir Barton Way.

Curb/Gutter/Sidewalks - All properties within this development are served by curbs, gutters, and sidewalks.

Utilities - All utilities, including natural gas, electric, water, phone, cable television, and internet are available in the area, and are available to serve future development.

Storm Sewers - The storm sewer system was constructed as the site was developed, in accordance with the adopted Engineering Manuals. The site is split by Bryan Station Creek, which flows in a northerly direction toward North Elkhorn Creek. The floodplain associated with this creek is generally between 250 feet and 400 feet wide and divides the developed area into two sections.

Sanitary Sewers - The site is located within the North Elkhorn sewershed, which is served by the West Hickman Wastewater Treatment Plant in northern Jessamine County.

Refuse - The Urban County Government serves this area with refuse collection on Tuesdays. Commercial and multi-family development often supplement this service with additional private collection.

Police - The nearest police station is located near Eastland Shopping Center at the Central Sector Roll Call Center, approximately two miles west of the subject property, just off Winchester Road.

Fire/Ambulance - Fire Station #2 is located approximately 1.5 miles to the west of the site, along Eastland Parkway and inside New Circle Road.

Transit - LexTran service is available for all parcels associated with this request. Outbound and inbound service for the Hamburg Pavillion Route (#10) are directly accessed from a majority of the subject properties, and less than 1,000 feet from the parcels that do not have frontage along the route.

Parks - Dixie Park is located approximately one mile northwest of the subject property, along Eastland Parkway.

SUMMARY OF REQUEST

The applicant is seeking to remove conditional zoning restrictions in the existing B-6P zone that limit the properties to a maximum of 532,000 sq. ft. of gross building area to allow for additional construction on the undeveloped lots.

PROPOSED ZONING



The intent of the Commercial Center (B-6P) zone is to create centers of activity that promote commerce and retail along major corridors within the community, while supporting existing residential neighborhoods and incorporating new residential opportunities in accordance with the Comprehensive Plan.

PROPOSED USE



The applicant is seeking to remove conditional zoning restrictions in the existing B-6P zone that limit the property to a maximum of 532,000 sq. ft. of gross building area to allow for additional commercial construction on the undeveloped lots.

APPLICANT & COMMUNITY ENGAGEMENT



The applicant has not provided any information regarding efforts at public engagement.

PROPERTY & ZONING HISTORY



The subject property was the historic location of the Hamburg Place horse farm which, at its peak, covered nearly 2,400 acres. The property was bisected in 1964 by the interstate project and was zoned Agricultural Urban (A-U) at the time of the 1969 comprehensive rezoning of the City and County.

Although a portion of the property was rezoned from Agricultural Urban (A-U) to Interchange Business (B-5P) in 1993 (MAR 93-03), this area remained undeveloped until a second map amendment was approved in 2005 (MAR 2004-45 CZ). It was the second zone change that established the current configuration and set the conditional zoning restrictions associated with this request. The conditions set by the 2005 map amendment were as follows:

1. The subject property shall be limited to 532,000 square feet of gross building area.
2. Use of the 1.5 net acre parcel at the southern end of the subject property (to be rezoned from P-1 to B-6P) shall be limited to off-street parking, vehicular circulation, and use of no more than 1,500 square-foot area for a portion of a vehicle fueling facility and canopy.

Currently, the subject properties are home to several large retail stores including Lowe's Home Improvement, Wal-Mart Supercenter, Hobby Lobby and Sportsman's Warehouse. This development is also occupied by eating and drinking establishments such as Starbucks, First Watch, Raising Cane's Chicken Fingers and MOD Pizza. The most recent addition, involving the creation of a new out lot, is a Chipotle restaurant located at 2212 War Admiral Way (PLN-MJDP-23-00068). The recently completed restaurant represents the final permissible construction as the 532,000 sq. ft. gross building limitation has been reached.

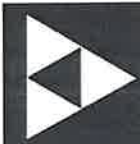
CONDITIONAL ZONING RESTRICTION PROCESS



Article 6-7(c) Amendment. Modification, removal or amendment of conditions or restrictions shall be as follows:

1. Restrictions or Conditions Designated by the Urban County Council. The Urban County Council shall have final authority to consider and act upon requests for modification, removal or other amendment of a duly imposed binding restriction or condition so designated by the Council at the time of their adoption.
 - a. Findings Required. The request may be granted by the Council only if it is found that there has been a major change of an economic, physical or social nature on the subject property or within the area in which the subject property is located, which was not anticipated at the time the binding restriction or condition was imposed, and which has substantially altered the basic character of such area making the restriction or condition inappropriate or improper. The burden shall be on the applicant to establish said finding by a clear preponderance of the evidence.
 - b. Procedure. The procedure for review, notice and action on requests to modify, remove or amend an imposed restriction or condition shall be the same as for a zone map amendment, except that a full public hearing by the Urban County Council shall be required in all cases. The Council's decision to modify, remove or amend a duly imposed binding restriction or condition shall be final action; and any person or entity claiming to be injured or aggrieved by that action may appeal to Fayette Circuit Court within thirty (30) days after such final action pursuant to KRS 100.347.

ZONING ORDINANCE COMPLIANCE



The applicant opines that the zoning restrictions at this location are overly restrictive and are in direct conflict with the current Commercial Center (B-6P) zone regulations. The applicant cites the differences in lot coverage and floor area ratio between today's regulations and the regulations that were in place at the time of the previous map amendment. The justification points out the trend toward increased density as well as the new residential component allowed by the Commercial Center zone.

The applicant also points out the substantial growth that has taken place in this area over the last 20 years as justification for removing the condition. While the transformation of this area from agricultural to urban is certainly significant, one would assume this was anticipated at the time the restrictions were put in place.

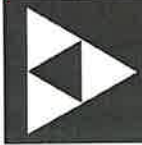
Staff recommends postponement in order to provide the applicant an opportunity to supply supplemental information to bolster their appropriateness argument.

STAFF RECOMMENDS: **POSTPONEMENT**, FOR THE FOLLOWING REASON:



1. The applicant should provide greater information regarding unanticipated physical, social, or economic changes within the area which make the current conditions inappropriate.

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT PLN-MAR-25-00010: WAR ADMIRAL, LLC



STAFF REVIEW

Within the original staff report, staff requested further information relating to changes that have occurred in the area that would make the site's conditional zoning restriction limiting total building square footage inappropriate today. The original zoning restrictions were as follows:

1. The subject property shall be limited to a maximum of 532,000 square feet of gross building area.
2. Use of the 1.5 net acre parcel at the southern end of the subject property (to be rezoned from P-1 to B-6P) shall be limited to off-street parking, vehicular circulation, and use of no more than a 1,500 square-foot area for a portion of a vehicle fueling facility and canopy.

In the period following the August Zoning Committee meeting, the applicant met with staff to discuss the concerns described within the initial staff report and the comments received during the committee meetings. Since that time, the applicant has submitted a supplemental letter of justification providing a more detailed description of the significant changes to the area since the previous map amendment when the conditional zoning provisions were adopted for the site.

The applicant notes that at the time these properties were zoned B-6P, the Winchester Road corridor was much more sparsely developed than it is today. In fact, there were several hundred acres of undeveloped land between the subject property and the more urbanized areas of the city. At the time of the initial rezoning, the applicant offered the restrictions to provide an additional mechanism to ensure a less intrusive integration to the surrounding properties and uses. In the 20 years since that initial zone change was approved, the Winchester Road corridor has experienced significant growth which is anticipated to continue. The area to the east of Interstate 75, in addition to the ongoing medical center construction, is one of five areas included in the most recent expansion of the Urban Service Area. Shown as Area 2 in the 2024 Urban Growth Master Plan, additional growth is projected for the Winchester Road corridor.

The applicant opines that the condition limiting total building size to 532,000 square feet no longer serves any tangible purpose in light of the subsequent urbanization of this corridor, and the expansion of growth further out from the urban core. Additionally, the applicant points out that the low lot coverage and massively oversized parking lots that are reinforced by the limit on building area, and are inconsistent with Comprehensive Plan recommendations for efficient land use, increasing density, and limiting surface parking.

Staff agrees with the applicant's assertion that there has been a significant physical change in the immediate area that make the current conditions inappropriate. Staff finds that the restrictions enacted in order to limit the intensity of the site are now inappropriate, as the intensification of the Winchester Road corridor will serve a larger regional area well beyond the boundary of the Urban Service Area that existed in 2004. The Staff recommends maintaining the second restriction since no justification has been offered to remove it.



STAFF RECOMMENDS: APPROVAL, FOR THE FOLLOWING REASONS:

1. The nearby changes in land use intensity, expansion of the Urban Services Boundary, adoption of the Urban Growth Master Plan, and the construction of large regional scale institutions are changes that have occurred that have shifted the intensity of anticipated development along this portion of Winchester Road, and make the current condition restricting square footage inappropriate.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is recommended via conditional zoning:
 - a. *Use of the 1.5 net acre parcel at the southern end of the subject property shall be limited to off-street parking, vehicular circulation, and use of no more than a 1,500 square-foot area for a portion of a vehicle fueling facility and canopy.*

These use restrictions are appropriate and necessary for the subject property to ensure greater compliance with the detailed land use recommendations of the 2001 Comprehensive Plan, and since they have been volunteered by the applicant.

3. This recommendation is made subject to approval and certification of PLN-MJDP-25-00039: HAMBURG PLACE B-5P & B-6P HIGHWAY COMMERCIAL AREA (AMD) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

1. **WAR ADMIRAL PLACE, LLC ZONING MAP AMENDMENT AND SOUTH BROADWAY PLACE AND HAMBURG PLACE B-5P & B-6P HIGHWAY COMMERCIAL AREA DEVELOPMENT PLAN**

- a. **PLN-MAR-25-00010: WAR ADMIRAL PLACE, LLC (10/23/25)*** – a petition for a zone map amendment from Commercial Center (B-6P) zone with conditional zoning restrictions to a Commercial Center (B-6P) zone with modified conditional zoning restrictions for 56.27 net (71.45 gross) acres for properties located at 2300-2350 Grey Lag Way; 2320 and 2344 Elkhorn Road; and 2200-2277 War Admiral Way.

COMPREHENSIVE PLAN AND PROPOSED USE

The 2045 Comprehensive Plan, Imagine Lexington, seeks to provide flexible yet focused planning guidance to ensure equitable development of our community's resources and infrastructure that enhances our quality of life, and fosters regional planning and economic development. This will be accomplished while protecting the environment, promoting successful, accessible neighborhoods, and preserving the unique Bluegrass landscape that has made Lexington-Fayette County the Horse Capital of the World.

The applicant is seeking to remove conditional zoning restrictions in the existing B-6P zone that limit the property to a maximum of 532,000 sq. ft. of gross building area to allow for additional commercial construction on the undeveloped lots.

The Zoning Committee Recommended: Postponement.

The Staff Recommends: Postponement for the following reasons:

1. The applicant should provide greater information regarding unanticipated physical, social, or economic changes within the area which make the current conditions inappropriate.

- b. **PLN-MJDP-25-00039: HAMBURG PLACE B-5P & B-6P HIGHWAY COMMERCIAL AREA (AMD) (10/23/25) *** – located at 2200, 2201, 2212, 2217, 2235, 2251, & 2277 WAR ADMIRAL WAY, 2200 & 2344 ELKHORN ROAD, and 2300, 2317, 2320, & 2350 GRAY LAG WAY, LEXINGTON, KY

Note: The purpose of this plan is to depict the removal of conditional zoning restriction limitation of 532,000 square feet of gross building area.

Requirements Not Met:

1. Depict interior landscape areas on Outlots 5 & 6. (Z.O. Art. 18-3(b)(4)(a)) (Planning)
2. Provide dumpster enclosure information and denote location for Lot 6. (Waste Management)
3. Label centerline of blueline stream present in the greenway. (Environmental Quality)
4. Denote: No buildings or structures shall be located on any land with a slope greater than 30%. For areas with slopes between 15% and 30%, the provisions of Article 6-11 of the Land Subdivision Regulations shall be applicable. (Environmental Quality)
5. Provide Tree Inventory Map and Tree Preservation Plan exhibit. (Urban Forester)
6. Ensure Outlot 6 will meet requirements of Z.O. Art. 18. (Landscape Examiner)
7. Addition of internal pedestrian walkways in compliance with Z.O. Art. 16-6(a)(3)(a)) (Bike/Ped).
8. See Accela notes provided by the Division of Engineering.

Waiver(s) Necessary: None at this time.

Design Considerations:

1. When placing fill on the current sanitary sewer line, be sure the new design criteria is followed for the correct pipe material to be used for the new depth and easement encroachment/pipe protection is followed. (Sanitary)

Plan Questions or Concerns:

1. Discuss changes in lot sizes and overall total acreage in site statistics from previous development plan. (Planning)

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council approves the removal of the conditional zoning restrictions; otherwise, any Commission action of approval is null and void.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

2. Urban County Engineer's acceptance of drainage, and storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of street cross-sections and access.
4. Urban Forester's approval of tree inventory map.
5. Greenspace planner's approval of the treatment of greenways and greenspace.
6. Department of Environmental Quality's approval if environmentally sensitive areas.
7. Correct all noted deficiencies listed as "requirements not met" herein.

Staff Presentation - Mr. Young oriented the Planning Commission to the requested zone change area, and stated that the applicant was only requesting the removal of one conditional zoning restriction - the limit of development to 532,000 square feet of gross building area. He stated that staff was recommending approval for the following reasons:

1. The nearby changes in land use intensity, expansion of the Urban Services Boundary, adoption of the Urban Growth Master Plan, and the construction of large regional scale institutions are changes that have occurred that have shifted the intensity of anticipated development along this portion of Winchester Road, and make the current condition restricting square footage inappropriate.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restriction is recommended via conditional zoning:
 - a. Use of the 1.5 net acre parcel at the southern end of the subject property shall be limited to off-street parking, vehicular circulation, and use of no more than a 1,500 square-foot area for a portion of a vehicle fueling facility and canopy.

This use restriction is appropriate and necessary for the subject property to ensure greater compliance with the detailed land use recommendations of the Comprehensive Plan, and since they have been volunteered by the applicant.

3. This recommendation is made subject to approval and certification of PLN-MJDP-25-00039: HAMBURG PLACE B-5P & B-6P HIGHWAY COMMERCIAL AREA (AMD) prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.

Mr. Chaney oriented the Commission to the associated development plan. He explained that the only changes to the development plan were on Outlots 5 & 6. He detailed the conditions of approval, and stated that staff was recommending approval at this time.

Applicant Representation - Attorney Nick Nicholson was present to represent the applicant. He explained some of the history of the project, and why the square foot limitation existed. He said that the two lots were not developed because the development as a whole had reached the maximum amount of allowable square footage. He said that the development plan reflected shell buildings, and they would have to bring back a final development plan when tenants were found. Mr. Nicholson thanked the Planning Commission and asked for approval.

Commission Questions - Mr. Penn asked if the development plan was a place holder. Mr. Nicholson confirmed that and said the final development plans could look very different once tenants were found.

Ms. M. Davis asked about the proximity of Outlot 6 to the floodplain, and if there was a possibility to reduce the amount of parking depicted. Mr. Nicholson affirmed that they could do that, but they could not move forward with any plans until the conditional zoning restriction was lifted.

Mr. Nicholson reminded the Commission that they were not requesting the removal of the conditional zoning restriction that prohibited gas stations.

Action - Ms. M. Davis made a motion, seconded by Mr. J. Davis, and carried 10-0 (Nicol absent), to approve PLN-MAR-25-00010: WAR ADMIRAL PLACE, LLC, to modify the conditional zoning restriction on the square footage limitation, as presented by staff.

Ms. Worth made a motion, seconded by Mr. Forester, and carried 10-0 (Nicol absent), to approve PLN-MJDP-25-00039: HAMBURG PLACE B-5P & B-6P HIGHWAY COMMERCIAL AREA (AMD), subject to the seven conditions, as presented by staff.